

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GLENN DAVID O'NEAL, ) NO. EDCV 09-2101-DDP (MAN)  
Plaintiff, )  
v. ) ORDER ADOPTING FINDINGS,  
A. FAKHOURY, ) CONCLUSIONS, AND RECOMMENDATIONS  
Defendant. ) OF UNITED STATES MAGISTRATE JUDGE

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Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, defendant's Motion To Dismiss ("Motion"), all of the records herein, the Report and Recommendation of United States Magistrate Judge ("Report"), and Plaintiff's Objection to the Report. The Court has conducted a *de novo* review of those matters to which objections have been stated in writing and has considered the exhibits appended to the Objection. Having completed its review, the Court accepts and adopts the Report and the findings of fact, conclusions of law, and recommendations therein.

IT IS ORDERED that: (1) the Motion is GRANTED, pursuant to Fed. R. Civ. P. 12(b)(6); (2) the Motion is DENIED, pursuant to Fed. R. Civ. P.

1 12[unenumerated]; (3) the First Amended Complaint is dismissed with  
2 leave to amend; and (4) if Plaintiff wishes to pursue this action, he  
3 shall file and serve, within thirty (30) days of this Order, a Second  
4 Amended Complaint that corrects the defects identified in the Report.

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6 IT IS SO ORDERED.

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8 DATED: August 31, 2011.

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10 DEAN D. PREGERSON  
11 UNITED STATES DISTRICT JUDGE

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